GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA

UNSTARRED QUESTION NO:3978
ANSWERED ON:21.04.2008
PENALTY FOR UNSOLICITED CALLS
Singh Shri Uday

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Telecom Regulatory Authority of India(TRAI) has announced stiff penalties on telecom service providers and telemarketers of unsolicited calls and SMSs are made to mobile subscribers registered with the National Do-Not-Call Registry (NDNC);

(b) if so, the details thereof;

(c) whether the Government has penalised to telecom service providers and telemarketers;

(d) if so, the details thereof;

(e) whether the earlier regulations issued by the Regulator were failed in regard to compliance and enforcement;

(f) if so, the reasons therefor;

(g) whether service providers have lodged their disappointment with the Government in this regard; and

(h) if so, the details thereof alongwith the steps taken/being taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI JYOTIRADITYA M. SCINDIA)

(a) & (b) The Telecom Regulatory Authority of India (TRAI) has issued 'The Telecom Unsolicited Commercial Communications Regulations, 2007' in June, 2007 to curb the nuisance of unwanted calls. In order to increase the effectiveness of compliance of these Regulations, the following amendments have been made:

(i) To discourage the registered telemarketers from sending Unsolicited Commercial Communications, the Telecom Tariff Order (47th Amendment) has been issued which has the following provisions:-

Payment of Rs.500 as tariff to the Service Provider in case the telemarketer makes the unsolicited commercial communications for the first time.

Payment of Rs.1000 as tariff to the Service Provider in case the telemarketer makes the unsolicited commercial communications for second (subsequent) time.

Disconnection of the telecom facilities of the telemarketer by the Service Provider if unsolicited commercial communication is not stopped even after imposition of the prescribed RS.500 and Rs.1000 tariff by the Service Provider.

(ii) In case Service Provider do not take action as per the above Regulations and a complaint is made to the Authority, an amount by way of financial disincentive is imposable on the Service Providers. (An amount not exceeding five thousand rupees for the first non-compliance and in case of second or subsequent non-compliance an amount not exceeding twenty thousand rupees for each such non-compliance).

(c) In regard to penalization of telemarketers, as per information available with TRAI, the service providers have taken action against the telemarketers as per TRAI's Telecom Tariff Order. In regard to financial disincentive for Service Provider, the amendment to the Regulation was to come into force from the date of its publication in the official gazette. The amendment has been published in the Gazette only on 09.04.2008.

(d) Details of action taken as on 31.03.2008 by Service Providers against telemarketers for violation of the Telecom Unsolicited Commercial Communication Regulations, 2007-

(i) Number of warning letters issued to registered telemarketers = 11346

(ii) Number of registered telemarketers charged with Rs.500/- = 1026

(iii) Number of registered telemarketers lines disconnected = 321

(iv) Number of unregistered telemarketers lines disconnected = 718

(e) & (f) No, Sir. The earlier Regulation was not a failure. As per the data available with TRAI in the month of March 2008, on an average, daily 20 to 25 million numbers were submitted by telemarketers with National Do Not Call (NDNC) Registry. These numbers fall in category of Do Not Call list.

As per the available reports, approximately 10 million subscribers have registered with National Do Not Call Registry. Further, Service Providers have informed that as on 29 February 2008, they have received only 29,665 complaints which is a negligible 0.29 % of total subscribers who have registered with NDNC.

Therefore, in order to make the principal regulation's compliance effective,it was decided by TRAI, to make service provider liable to pay an amount by way of financial disincentive by bringing Telecom Unsolicited Commercial Communication (Amendment) Regulation, 2008 (1 of 2008).

(g) : No, Sir.

(h) : Does not arise in view of (g) above.